

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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CURTIS WINSTON, JANE DOE, individually :  
and on behalf of all others similarly situated. :  
:  
Plaintiffs, :  
:  
v. : **DEFENDANT THE HERSHEY**  
:  
THE HERSHEY COMPANY, : **COMPANY'S NOTICE OF ITS MOTION**  
:  
Defendant. : **TO DISMISS THE COMPLAINT**

Served on: January 23, 2020


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PLEASE TAKE NOTICE that, based on upon the Memorandum of Law served on Plaintiff Curtis Winston on January 16, 2020, and upon all prior proceedings, pleadings, and filings in this Action, Defendant The Hershey Company, will move this Court on a date to be set by the Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, Courtroom 4C South, before the Honorable Eric N. Vitaliano, United States District Judge, for an order dismissing Plaintiff's complaint with prejudice and such other and further relief as requested and as the Court deems just and proper in the above-captioned case, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

DATED: January 23, 2020

Respectfully submitted,

**PERKINS COIE LLP**

1155 Avenue of the Americas, 22nd Floor  
New York, NY 10036-2711  
212.262.6900

By:   
Dennis Hopkins (DH3767)  
DHopkins@perkinscoie.com

*Attorneys for The Hershey Company*

**CERTIFICATE OF SERVICE**

I, Dennis Hopkins, declare:

I am a citizen of the United States and employed in New York, New York. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1155 Avenue of the Americas, 22nd Floor, New York, NY 10036-2711. On January 23, 2020, I served a copy of the within document(s):

**DEFENDANT THE HERSHEY COMPANY'S NOTICE OF  
ITS MOTION TO DISMISS THE COMPLAINT**

- ☐ by causing the document(s) listed above to be placed in a sealed envelope with postage thereon fully prepaid, the United States mail at New York, New York addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by transmitting via electronic transmission from DHopkins@perkinscoie.com the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

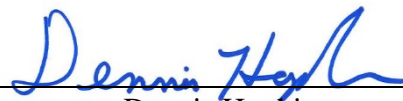
Spencer Sheehan, Esq.  
SHEEHAN & ASSOCIATES, P.C.  
505 Northern Boulevard, Suite 311  
Great Neck, New York 11021

*Attorneys for Plaintiffs, Curtis Winston, Jane  
Doe, and on behalf of all others similarly  
situated*  
Telephone: 516.303.0552  
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 23, 2020, at New York, New York.

  
Dennis Hopkins